

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

INTERNATIONAL BUSINESS	)	
MACHINES CORPORATION,	)	
	)	C.A No. 16-cv-00122-LPS
Plaintiff,	)	
	)	<b>JURY TRIAL DEMANDED</b>
v.	)	
	)	
GROUPON, INC.	)	
	)	
Defendant.	)	

**[PROPOSED] VOIR DIRE**

The parties request that the Court read the below statements regarding the nature of the case and ask the following questions of prospective jurors.<sup>1</sup>

This is a patent case. The plaintiff in this case is International Business Machines Corporation, also known as “IBM.” The defendant is Groupon, Inc. IBM contends that Groupon infringes four patents and seeks monetary damages to compensate it for that infringement. Groupon denies that it infringes any valid patent and denies that IBM is entitled to any damages.

In light of this brief summary, I will ask you certain questions, the purpose of which is to: (1) enable the Court to determine whether or not any prospective juror should be excused for cause; and (2) enable counsel for the parties to exercise their individual judgment with respect to peremptory challenges, that is, challenges for which no reason need be given by counsel.

1. Are you familiar with this case or have you heard or read anything about it?
  - a. Do you have an opinion about it?

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<sup>1</sup> These questions assume the parties and Court will already have received Name, Residence, and Employment Information.

2. Counsel will now introduce themselves. After they do so, I will ask you whether you or any members of your immediate family or anyone close to you know of or have any current or former relationship with any of the attorneys or their law firms.

[Counsel introduce themselves.]

- a. Are you related to, or personally acquainted with, any of those attorneys or their firms?

3. The parties in this case are International Business Machines Corporation (IBM) and Groupon, Inc. (Groupon). Do you know any of the parties or any of the following:

- a. Prodigy Services Company
- b. Trintex

4. Have you or a family member ever worked for, has business dealings with, or owned stock in any of these companies or organizations?

5. I will now read a list of individuals who might appear as witnesses in this case:

Douglas Schmidt  
Jerry Hausman  
Jon Weissman  
James Malackowski  
Thomas McBride  
Robert Filepp  
Heather Hinton  
Arun Iyengar  
Michele Baumgartner-Bonanno  
Brian Turner  
Phil Dunham  
Jim Breen  
Jason Carlisle  
Paul Davis  
Jan Krems  
Aileen Sandridge  
Damien Schmitz  
Varun Sood

Do you know any of those individuals that might appear as witnesses in this case?

6. Have you, a relative or close friend had any experience with patents, patent law, patented technology, trade secrets or the United States Patent and Trademark Office?

7. Have you ever been involved in the development of a new product or process?

8. Do you have any strong feelings one way or another about awarding damages or choosing not to award damages in a case like this?

9. Do you have an opinion about whether software or online processes should be patented?

10. Do you frequently use a computer or mobile device for purchasing goods or services?

11. Look around the other potential jury members. Do you know any of the others, or have you had any relationship with any of the other jurors before today?

12. If you are selected to sit on this case, is there any reason you could not render a verdict solely on the evidence presented at the trial and in the context of the law as given to you in my instructions in reaching your verdict and disregard any other ideas, notions, or beliefs about the law that you may have?

13. Do you have any special disability or problem that would make it difficult or impossible for you to serve as a member of the jury?

14. On most days, jurors will be expected to sit from 9:00 in the morning until 4:30 in the evening. There will be a one-hour lunch break and at least a 15 minute break in the morning and afternoon. The trial is expected to last 10 days. Does this schedule present any special hardship for you?

15. Do you know of any other matter which you believe should be called to the court's attention or which you think may prevent you from rendering a fair and impartial verdict based solely upon the evidence and my instructions as to the law?